

BILL NO. 10-11
As Amended

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 10-11 (As Amended)

Introduced by Council President Boniface at the request of the County Executive

Legislative Day No. 10-06 Date February 16, 2010

AN EMERGENCY ACT to repeal and reenact, with amendments, Section 214-1, Definitions, of Article I, Sediment Control; and to repeal and reenact, with amendments, Article II, Stormwater Quantity and Quality Management, all of Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended; to provide for compliance with new state requirements regarding stormwater quantity and quality management.

By the Council, February 16, 2010

Introduced, read first time, ordered posted and public hearing scheduled

on: March 16, 2010

at: 6:00 p.m.

By Order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 16, 2010, and concluded on March 16, 2010.

Barbara J. O'Connor, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that Section 214-1,
2 Definitions, of Article I, Sediment Control, and Article II, Stormwater Quantity and Quality
3 Management, all of Chapter 214, Sediment Control and Stormwater Management, of the Harford
4 County Code, as amended, be, and they are hereby, repealed and reenacted, with amendments, all to
5 read as follows:

6 **Chapter 214. Sediment Control and Stormwater Management**

7 **Article I. Sediment Control**

8 **§ 214-1. Definitions.**

9 For the purpose of this chapter, the following words and phrases shall have the meanings respectively
10 ascribed to them by this section:

11 **ADVERSE IMPACT** - Any deleterious effect on waters or wetlands, including their quality, quantity,
12 surface area, species composition, aesthetics or usefulness for human or natural uses, which are
13 or may potentially be harmful or injurious to biological productivity, diversity or stability or to
14 human health, welfare or safety or to property, or which unreasonably interferes with the
15 enjoyment of life or property, including outdoor recreation.

16 **ADMINISTRATION** - THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER
17 MANAGEMENT ADMINISTRATION.

18 **ADMINISTRATIVE WAIVER – A DECISION BY THE DEPARTMENT TO ALLOW THE**
19 **CONSTRUCTION OF THE DEVELOPMENT TO BE GOVERNED BY THE**
20 **STORMWATER MANAGEMENT CRITERIA IN EFFECT PRIOR TO MAY 4, 2009.**

21 **AGRICULTURAL LAND MANAGEMENT PRACTICES** - Those methods and procedures used in
22 the farming of land, including but not limited to the planting, thinning and harvesting of
23 Christmas trees, shrubs or orchard trees; the preparation of land for agricultural purposes,
24 including but not limited to installing fence rows, planting of hedge rows, plowing new farm
25 fields or the reclamation of previously tilled farm fields when utilized for ongoing farming
26 operations; and the cultivation of land in order to further crop or livestock production.

Commercial logging and timber removal operations are not considered an agricultural land management practice.

APPLICANT - Any person, firm or governmental agency who executes the necessary forms and/or plans to procure official approval for a project or a permit to carry out construction of a project.

THE APPLICANT MUST BE THE OWNER OF THE LAND TO BE DEVELOPED OR AN AUTHORIZED AGENT OF THE OWNER (E.G., AN ENGINEERING FIRM OR CONTRACT PURCHASER).

APPROVED PLAN - A set of representational drawings or other documents submitted by an applicant as a prerequisite to obtaining a grading and/or stormwater management permit, which have been determined by the Department of Public Works, the Harford Soil Conservation District and any state and/or federal agency to contain sufficient evidence and information to satisfy the requirements of this chapter.

APPROVING AGENCY - THE ENTITY RESPONSIBLE FOR THE REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS.

AQUIFER - A porous water-bearing geologic formation generally restricted to [soils] MATERIALS capable of yielding an appreciable supply of water.

AS-BUILT PLAN - A set of approved plans and other documents submitted by the engineer-in-charge which have been noted with actual construction information for approval by the Department of Public Works and are sealed and signed by the engineer-in-charge.

BENEFICIAL USER - The owner(s) of a lot or parcel, the runoff from which was considered in designing a stormwater management facility to satisfy the requirements of this chapter for developing land.

BEST MANAGEMENT PRACTICES (BMP) - A structural device or non[-]structural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution and provide other amenities.

BOND - A cash bond, corporate bond, irrevocable letter of credit or other security approved by the

County and required of the applicant by the Department of Public Works before issuance of any stormwater management permit or grading permit. Each permit will require a separate individual and independent performance bond.

BUILDING PERMIT - An official document or certificate issued by the Harford County Department of Inspections, Licenses and Permits authorizing construction of a structure as provided for in Chapter 82 of the Harford County Code.

CHANNEL PROTECTION STORAGE VOLUME (cpv) - The volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the ["2000 Maryland Stormwater] Design Manual[, Volumes I and II"].

CLEARING - Any activity which removes the vegetative surface cover, including removal of trees, brush and/or grass, stripping, grubbing and storage or removal of topsoil FROM THE LAND BUT SHALL NOT INCLUDE THE ORDINARY MOWING OF GRASS.

COMAR - The Code of Maryland Regulations.

COUNTY - Harford County, Maryland.

DEPARTMENT - The Harford County Department of Public Works represented by the Director or the Director's designee.

DESIGN MANUAL - The "2000 Maryland Stormwater Design Manual, Volumes I and II", AND ALL SUBSEQUENT REVISIONS, that serves as the official guide for stormwater management principles, methods and practices.

DETENTION STRUCTURE - A permanent structure for the temporary storage of stormwater runoff, which is designed so as not to create a permanent pool of water.

DEVELOPER - Any person, firm or governmental agency whose objective is to develop land.

DEVELOP LAND - To change the runoff characteristics of a parcel of land in conjunction with the construction, reconstruction, conversion, erection, alteration, relocation or enlargement of any residential, commercial, industrial, recreational or institutional building, structure, roadway or

1 paving; any mining or landfill; or any land-disturbing activities in preparation for any of the
2 above.

3 DEVELOPMENT - The construction of any residential, commercial, industrial, recreational or
4 institutional building, structure, roadway or paving; any mining or landfill; or any land-
5 disturbing activities in preparation for the above.

6 DIRECT DISCHARGE - The concentrated release of stormwater to tidal waters or vegetated tidal
7 wetlands from new development or redevelopment projects in the critical area.

8 DIRECTOR - The Director of Public Works of the County.

9 DISTRICT - Harford Soil Conservation District.

10 DRAINAGE AREA - That area contributing runoff to a single point measured in a horizontal plane
11 which is enclosed by a ridge line as determined by existing or proposed contours, and/or
12 features depending on the purpose for which the area is defined.

13 EASEMENT - A grant or reservation by the owner of land for the use of such land by others for a
14 specific purpose or purposes, and which must be included in the conveyance of land affected by
15 such easement.

16 ENGINEER-IN-CHARGE - The professional engineer who is responsible for assuring that stormwater
17 management facilities are built in accordance with the approved plans and in accordance with
18 the assumptions made during the design and certified same to the Department.

19 ENVIRONMENTAL SITE DESIGN (ESD) - USING SMALL-SCALE STORMWATER
20 MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES AND BETTER SITE
21 PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND
22 MINIMIZE THE IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES.

23 EROSION - The process by which the land surface is worn by the action of wind, water, ice or gravity.

24 EXCAVATION - Any act by which soil is cut into, dug, quarried, uncovered, removed, displaced or
25 relocated.

26 EXEMPTION - Those sites that are not subject to the requirements contained in Article I and/or Article

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1 II. Exemptions are considered on an individual basis for each article. An exemption for one
2 article does not constitute an exemption for other articles.

3 EXTENDED DETENTION - A stormwater design feature that provides gradual release of a volume of
4 water in order to increase settling of pollutants and protect downstream channels from frequent
5 storm events. Methods of designing extended detention BMPs are specified in the Design
6 Manual.

7 EXTREME FLOOD VOLUME (qf) - The storage volume required to control those infrequent but
8 large storm events in which over bank flows reach or exceed the boundaries of the 100-year
9 floodplain.

10 FILLING - Any act by which soil is deposited, dropped, placed, pushed, pulled or transported to a
11 location different from its original position, and shall include the conditions resulting
12 therefrom.

13 FINAL GRADING - The grading of a site to the finished grade.

14 FINISHED GRADE - The final grade or elevation of the ground surface.

15 FLOODPLAIN (100-YEAR) - That land which is theoretically inundated by the stormwater runoff
16 created by a 100-year frequency rainfall event (which is an event having a 1% chance of
17 occurrence in any year) calculated using current standards approved by the Department based
18 on a maximum development of the watershed as currently zoned.

19 FLOW ATTENUATION - Prolonging the flow time of runoff to reduce the peak discharge.

20 FOREST HARVEST OPERATION - The commercial logging or harvesting of timber by cutting trees
21 at or above ground level including but not limited to the associated haul road, skid trails and
22 staging areas. The removal of stumps or roots is not considered a forest harvest operation.

23 FOREST HARVEST PERMIT - A permit authorizing a forest harvest operation in accordance with the
24 requirements of Article I.

25 GRADING - The stockpiling, excavating or filling of earth material, or any land-disturbing activity, or
26 any combination thereof.

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1 GRADING PERMIT - The permit issued by the Department authorizing land-disturbing activities in
2 accordance with the requirements of Article I.

3 GRADING PERMIT HOLDER - Any person to whom a grading permit is issued pursuant to Article I.

4 IMPERVIOUS AREA - ANY SURFACE THAT DOES NOT ALLOW STORMWATER TO
5 INFILTRATE INTO THE GROUND.

6 IN-FILL DEVELOPMENT – DEVELOPMENT IN A PRIORITY FUNDING AREA ON
7 VACANT, BYPASSED OR UNDERUTILIZED LAND WITHIN BUILT UP AREAS OF
8 EXISTING COMMUNITIES WHERE INFRASTRUCTURE IS ALREADY IN PLACE.

9 INFILTRATION - The passage, movement, penetration, absorption or percolation of water into and
10 through the soil media.

11 LAND-DISTURBING ACTIVITY - Any tilling, clearing, grubbing or grading of the land, or any
12 artificial movement of the soil, or the covering of land surfaces with an impermeable layer.

13 MAINTENANCE BOND - A cash bond, corporate bond, irrevocable letter of credit or other security
14 approved by the County and required of the applicant by the Department for the maintenance
15 period. Each permit will require a separate individual and independent maintenance bond.

16 MARYLAND 378 SPECS - The United States Department of Agriculture, Natural Resources
17 Conservation Service, "Maryland Conservation Practice Standard, Pond Code 378," latest
18 edition.

19 MAXIMUM EXTENT PRACTICABLE (MEP) - DESIGNING STORMWATER MANAGEMENT
20 SYSTEMS SO THAT ALL REASONABLE OPPORTUNITIES FOR USING ESD
21 PLANNING TECHNIQUES AND TREATMENT PRACTICES ARE EXHAUSTED AND
22 ONLY WHERE ABSOLUTELY NECESSARY A STRUCTURAL BMP IS
23 IMPLEMENTED.

24 NONPOINT SOURCE POLLUTION - Pollution that is generated by diffuse land use activities rather
25 than from an identifiable or discrete source and is conveyed to waterways through natural
26 processes, such as rainfall, stormwater runoff or groundwater seepage rather than by direct

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1 discharge.

2 OFF-SITE STORMWATER MANAGEMENT - Stormwater management designed and constructed
3 outside the boundaries of the site being developed so as to manage stormwater runoff for the
4 drainage area of the site; or constructed to manage stormwater runoff for many sites and located
5 within one of the sites being managed; or a regional facility.

6 ON-SITE STORMWATER MANAGEMENT - Stormwater management designed and constructed
7 within the boundaries of the site to manage stormwater runoff from the site.

8 OVER BANK FLOOD PROTECTION VOLUME (qp) - The volume controlled by structural practices
9 to prevent an increase in the frequency of out of bank flooding generated by development.
10 Methods for calculating the over bank flood protection volume are specified in the Design
11 Manual.

12 OWNER - UNLESS OTHERWISE INDICATED, THE OWNER OF LAND TO BE DEVELOPED.

13 PERFORMANCE BOND - A cash bond, corporate bond, irrevocable letter of credit or other surety
14 approved by the County and required of the applicant by the Department before issuance of any
15 stormwater management permit or grading permit. Each permit will require a separate
16 individual performance bond.

17 PERMANENT BORROW AREA - An excavation yielding soil in excess of 1,500 cubic yards, which
18 will not be filled in or restored to the approximate contours existing before the excavation.
19 This definition shall not apply to areas within a surface mine's affected land, as defined in the
20 Environment Article of the Annotated Code of Maryland.

21 PERMANENT STABILIZATION - A practice where vegetative cover and/or structural methods are
22 applied to a site per requirements of the standards and specifications for soil erosion and
23 sediment control of the Maryland Department of the Environment which will result in a
24 permanent cover to prevent erosion or other adverse impacts from occurring.

25 PERMANENT STOCKPILE AREA - An area where excess soil over 1,000 cubic yards is placed and
26 will not be removed or restored to the approximate contours existing before the placement.

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1 This definition shall not apply to areas within a surface mine's affected land, as defined in the
2 Environment Article of the Annotated Code of Maryland.

3 PERSON - INCLUDES THE FEDERAL GOVERNMENT, THE STATE, ANY COUNTY,
4 MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE,
5 OR ANY OF THEIR UNITS, OR AN INDIVIDUAL RECEIVER, TRUSTEE, GUARDIAN,
6 EXECUTOR, ADMINISTRATOR, FIDUCIARY OR REPRESENTATIVE OF ANY KIND,
7 OR ANY PARTNERSHIP, FIRM, ASSOCIATION, PUBLIC OR PRIVATE
8 CORPORATION OR ANY OTHER ENTITY.

9 PLANNING TECHNIQUES - A COMBINATION OF STRATEGIES EMPLOYED EARLY IN
10 PROJECT DESIGN TO REDUCE THE IMPACT FROM DEVELOPMENT AND TO
11 INCORPORATE NATURAL FEATURES INTO A STORMWATER MANAGEMENT
12 PLAN.

13 POINT SOURCE POLLUTION - Pollution discharged through any discernable, confined and discrete
14 conveyance, including any pipe, ditch, channel, tunnel, conduit, well or discrete fissure.

15 POST-DEVELOPMENT - Those conditions that exist after development.

16 PRE-DEVELOPMENT - Those conditions that exist prior to any development occurring on the land.

17 PROFESSIONAL ARCHITECT - An architect duly registered by the State of Maryland to practice
18 professional architecture in accordance with the provisions of the Annotated Code of Maryland,
19 Business Occupations and Professions Article, Title 3, as amended.

20 PROFESSIONAL ENGINEER - An engineer duly licensed by the State of Maryland to practice
21 professional engineering in accordance with the provisions of the Annotated Code of Maryland,
22 Business Occupations and Professions Article, Title 14, as amended.

23 PROFESSIONAL FORESTER - A forester duly registered by the State of Maryland to practice
24 professional forestry in accordance with the provisions of the Annotated Code of Maryland,
25 Business Occupations and Professions Article, Title 7, as amended.

26 PROFESSIONAL LANDSCAPE ARCHITECT - A landscape architect duly registered by the State of

Maryland to practice professional landscape architecture in accordance with the provisions of the Annotated Code of Maryland, Business Occupations and Professions Article, Title 9, as amended.

PROFESSIONAL LAND SURVEYOR - A land surveyor duly registered by the State of Maryland to practice professional land surveying in accordance with the provisions of the Annotated Code of Maryland, Business Occupations and Professions Article, Title 15, as amended.

RECHARGE VOLUME (rev) - That portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the recharge volume are specified in the Design Manual.

REDEVELOPMENT - Any construction, alteration or improvement [exceeding 5,000 square feet of land disturbance] performed on sites where existing land use is commercial, industrial, institutional or multi-family residential AND EXISTING SITE IMPERVIOUS AREA EXCEEDS 40 PERCENT.

RESPONSIBLE PERSONNEL - Any foreman, superintendent or project engineer or combination thereof carrying a valid certificate of training for erosion and sediment control (green card), issued by the State of Maryland, who is responsible for and is present during all land-disturbing activities within a site.

RETENTION STRUCTURE - A permanent structure designed to provide storage of runoff by means of a permanent pool of water.

RETROFITTING – The IMPLEMENTATION OF ESD PRACTICES, THE construction of a structural BMP [in a previously developed area,] OR the modification of an existing structural BMP IN A PREVIOUSLY DEVELOPED AREA [or the implementation of a nonstructural practice] to improve water quality over current conditions.

ROUGH GRADING - Any grading prior to the final grading of the site.

RULES AND REGULATIONS - Harford County rules and regulations for stormwater management AND/OR EROSION AND SEDIMENT CONTROL.

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1 SEDIMENT - Soils or other surficial materials transported or deposited by the action of wind, water,
2 ice or gravity.

3 SEDIMENT CONTROL MEASURE/DEVICE - A measure, device, structure or system used during
4 development to control erosion and sediment deposition.

5 SEDIMENT TRAPPING DEVICE - An area where sediment runoff is concentrated and sediment
6 content is reduced through detention, filtration or a combination thereof, most commonly a
7 sediment trap or sediment basin.

8 SENSITIVE AREAS - Tidal and non-tidal wetland areas, natural resource districts and the buffers
9 associated with each.

10 SITE[:

11 A. For new development: a] - Any tract, lot or parcel of land or combination of contiguous
12 tracts, lots or parcels of land which are in one ownership or are contiguous and in
13 diverse ownership where development is to be performed as part of a unit, subdivision
14 or project.

15 [B. For redevelopment: the area of new construction shown on an approved site plan; or the
16 original parcel. Final determination of the applicable area shall be made by the
17 Department.]

18 SLOPE - The deviation of the land surface from the horizontal. Expressed either as a ratio of
19 horizontal distance to vertical distance or as a percentage (vertical distance divided by
20 horizontal distance multiplied by 100).

21 SOIL - Earth, sand, gravel, rock or other surficial material.

22 SOIL CONSERVATION WATER QUALITY PLAN - A plan for agricultural properties prepared by
23 the District to protect the productivity of the land base, preserve or enhance water quality,
24 conserve fish and wildlife and plant habitat by incorporating BMPs including control of
25 nutrients, animal wastes, toxins, sediments and runoff.

26 STABILIZATION – THE PREVENTION OF SOIL MOVEMENT BY ANY OF VARIOUS

1 VEGETATIVE AND/OR STRUCTURAL MEANS.

2 STANDARD PLAN - The County's form authorizing land-disturbing activities between 5,000 and
3 30,000 square feet of disturbed area or involving between 100 and 1,000 cubic yards of earth
4 movement.

5 STANDARD PLAN HOLDER - Any person to whom a standard plan is issued pursuant to Article I.

6 STANDARDS AND SPECIFICATIONS - The current Maryland standards and specifications for soil
7 erosion and sediment control.

8 STOP WORK ORDER - An order issued by the Department, due to the existence of a violation of this
9 chapter on the site, to cease all work with the exception of work required to correct the
10 violation until the violation is corrected to the satisfaction of the Department.

11 STORMWATER - WATER THAT ORIGINATES FROM A PRECIPITATION EVENT.

12 STORMWATER BANKING - PROVIDING STORMWATER QUALITY AND/OR QUANTITY
13 MANAGEMENT AT AN OFF-SITE LOCATION IN LIEU OF ON-SITE TREATMENT
14 USING AN ACCOUNTING SYSTEM OF CREDITS AND DEBITS TO TRACK THE
15 OVERALL LEVEL OF WATER QUALITY AND/OR QUANTITY CONTROL IN EACH
16 WATERSHED.

17 STORMWATER MANAGEMENT CONCEPT PLAN - THE FIRST OF THREE REQUIRED
18 PLAN SUBMITTALS THAT INCLUDES THE INFORMATION NECESSARY TO
19 ALLOW AN INITIAL EVALUATION AND APPROVAL OF A PROPOSED PROJECT.

20 STORMWATER MANAGEMENT FINAL PLAN - THE LAST OF THREE REQUIRED PLAN
21 SUBMITTALS THAT INCLUDES THE INFORMATION NECESSARY TO ALLOW FOR
22 THE APPROVAL BY THE DEPARTMENT.

23 [STORMWATER MANAGEMENT:

24 A. For quantitative control, a system of vegetative and/or structural measures that control
25 the volume, timing and peak rate of surface runoff caused by changes to the land.

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B. For qualitative control, a system of vegetative, structural and other measures that reduce or eliminate pollutants in surface runoff.]

STORMWATER MANAGEMENT MAINTENANCE AGREEMENT - A signed agreement between the County and the property owner(s) recorded in the land records of the County to ensure maintenance of privately owned stormwater management facilities.

STORMWATER MANAGEMENT PERMIT - The stormwater management permit issued by the Department authorizing the installation of stormwater management measure(s) in accordance with the requirements of Article II.

[STORMWATER MANAGEMENT PLAN - A set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contain all of the information and specifications pertaining to stormwater management.]

STORMWATER MANAGEMENT SITE DEVELOPMENT PLAN - THE SECOND OF THREE REQUIRED PLAN SUBMITTALS THAT INCLUDES THE INFORMATION NECESSARY TO ALLOW A DETAILED EVALUATION AND APPROVAL OF A PROPOSED PROJECT.

STORMWATER MANAGEMENT SYSTEM - INCLUDES NATURAL AREAS, ESD PRACTICES, STORMWATER MANAGEMENT MEASURES AND ANY OTHER STRUCTURE THROUGH WHICH STORMWATER FLOWS, INFILTRATES OR DISCHARGES FROM A SITE.

STREAM - Those perennial and intermittent watercourses identified through site inspection and as approved by the Department. The most recent County photogrammetric maps may be used as a guide for the preliminary establishment of possible watercourses.

STREAM ORDER - A classification system of streams based on stream hierarchy; the smaller the stream, the lower its numerical classification. A first order stream does not have tributaries and normally originates from springs and/or seeps. At the confluence of two first order streams, a second order stream begins. Similarly, a third order stream begins at the confluence of two

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1 second order streams and so on.

2 STREAM SYSTEM - A watercourse together with the 100-year floodplain and/or hydrologically
3 connected nontidal wetlands.

4 STRIPPING - Any activity which removes the vegetative surface cover, including tree removal,
5 clearing, grubbing and storage or removal of topsoil.

6 SURFACE WATER DESIGNATED USES - Designated uses for the surface waters of the state set
7 forth in COMAR 26.08.02.02.

8 TEMPORARY BORROW AREA - An excavation yielding soil in excess of 1,500 cubic yards, which
9 will be filled in or restored to approximate contours existing before the excavation within [two]
10 2 years from the date of the excavation. This definition shall not apply to areas within a surface
11 mine's affected land, as defined in the Environment Article of the Annotated Code of
12 Maryland.

13 TEMPORARY STABILIZATION - A practice where vegetative cover and/or structural methods are
14 applied per requirements of the standards and specifications for soil erosion and sediment
15 control, which result in a temporary cover to prevent erosion or other adverse impacts from
16 occurring.

17 TEMPORARY STOCKPILE AREA - An area where soil in excess of 1,500 cubic yards is placed
18 which will be removed and restored to approximate contours existing before the placement
19 within [two] 2 years from the initial placement. This definition shall not apply to a surface
20 mine's affected land, as defined in the Environment Article of the Annotated Code of
21 Maryland.

22 USDA - The United States Department of Agriculture.

23 USE AND OCCUPANCY PERMIT - An official document or certificate issued by the Harford County
24 Department of Inspections, Licenses and Permits authorizing the use of a structure for the
25 purpose for which it was intended, as provided for in Chapter 82 of the Harford County Code.

26 VARIANCE - A modification of the minimum requirements of Article I and/or Article II for a site

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1 when requested by the applicant under specific circumstances for which strict adherence of the
2 requirements would RESULT IN UNNECESSARY HARDSHIP AND WOULD not fulfill the
3 provisions of this chapter. The review for a variance for each article is independent of the
4 remaining article.

5 WAIVER – [The partial or complete relinquishment from the requirements of Article I and/or Article
6 II] THE REDUCTION OF STORMWATER MANAGEMENT REQUIREMENTS by the
7 Department for a site when requested by the applicant ON A CASE-BY-CASE REVIEW
8 BASIS. [The review for a waiver for each article is independent of the remaining article.]

9 A. Qualitative stormwater management waiver includes water quality volume and recharge
10 volume design parameters.

11 B. Quantitative stormwater management waiver includes channel protection storage
12 volume, overbank flood protection volume and extreme flood volume design
13 parameter.

14 WASTE - Industrial waste and all other liquid, gaseous, solid and other substances which may cause
15 pollution.

16 WASTEWATER - Liquid waste substances derived from industrial, commercial, municipal,
17 residential, agricultural, recreational or other operations or establishments; or other liquid waste
18 substance containing liquid, gaseous or solid matter and having characteristics which may cause
19 pollution.

20 WATERS OF THE STATE - Both surface and underground watercourses within the boundaries of the
21 State of Maryland subject to its jurisdiction, including that part of the Atlantic Ocean within the
22 boundaries of the state, the Chesapeake Bay and its tributaries, and all ponds, lakes,
23 watercourses, tidal and non-tidal wetlands and public drainage systems within this state, other
24 than those designed and used to collect, convey or dispose of sanitary sewage; and the
25 floodplain of free-flowing waters determined by the Department of the Environment on the
26 basis of the 100-year floodplain.

1 WATERCOURSE - Any natural or artificial streams, rivers, creeks, ditches, channels, canals, conduits,
2 culverts, drains, waterways, gullies, ravines or washes, in which water flows in a definite
3 direction or course, either continuously or intermittently, and including any area adjacent
4 thereto which is subject to inundation by reason of overflow or floodwater.

5 [WATER MANAGEMENT ADMINISTRATION - The Maryland Department of the Environment,
6 Water Management Administration.]

7 WATER QUALITY VOLUME (wqv) - The volume needed to capture and treat the runoff from 90%
8 of the average annual rainfall at a development site. Methods for calculating the water quality
9 volume are specified in the Design Manual.

10 WATERSHED - The total drainage area contributing runoff to a single point.

11 **Article II. Stormwater Quantity and Quality Management**

12 **§ 214-24. Purpose and authority.**

13 A. The provisions of this article pursuant to Environment Article, Title 4 Subtitle 2, Annotated
14 Code of Maryland, [1996] 2009 replacement volume, are adopted under the authority of the
15 Harford County Code and shall apply to all development occurring within the boundary area of
16 Harford County.

17 B. The application of this article and the provisions expressed herein shall be the minimum
18 stormwater management requirements and shall not be deemed a limitation or repeal of any
19 other powers granted by state statute.

20 C. The Harford County Department of Public Works shall be responsible for the coordination and
21 enforcement of the provisions of this article.

22 D. The purpose of this article is to protect, maintain and enhance the public health, safety and
23 general welfare by establishing minimum requirements and procedures to control the adverse
24 impacts associated with increased stormwater runoff. [Proper management of stormwater
25 runoff will minimize damage to public and private property, reduce the effects of development
26 on land and stream channel erosion, assist in the attainment and maintenance of water quality

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standards and reduce local flooding and maintain after development, as nearly as possible, the predevelopment runoff characteristics.] THE GOAL IS TO MANAGE STORMWATER BY USING ENVIRONMENTAL SITE DESIGN (ESD) TO THE MAXIMUM EXTENT PRACTICABLE (MEP) TO MAINTAIN AFTER DEVELOPMENT AS NEARLY AS POSSIBLE, THE PREDEVELOPMENT RUNOFF CHARACTERISTICS, AND TO REDUCE STREAM CHANNEL EROSION, POLLUTION, SILTATION AND SEDIMENTATION, AND LOCAL FLOODING, AND USE APPROPRIATE STRUCTURAL BEST MANAGEMENT PRACTICES (BMPS) ONLY WHEN NECESSARY IN AN EFFORT TO RESTORE, ENHANCE AND MAINTAIN THE CHEMICAL, PHYSICAL AND BIOLOGICAL INTEGRITY OF STREAMS, MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY AND REDUCE THE IMPACTS OF LAND DEVELOPMENT.

§ 214-25. Final plat approval.

Final plat approval will not be granted by the County until the proposed development has satisfied one of the following conditions:

- A. The proposed development has been determined by the Department to be exempt from the provisions of this article.
- B. The proposed development has been granted a waiver of the stormwater management requirements.
- C. The proposed development will utilize an off-site stormwater management facility PROVIDED IT HAS BEEN DEMONSTRATED THAT ESD HAS BEEN IMPLEMENTED TO THE MEP and the necessary agreements, easements and approvals have been obtained.
- D. The applicant has submitted the necessary drawings, calculations and documentation that show the type [of stormwater management, the location at which it will be provided and dimensions.], LOCATION AND DIMENSIONS OF THE STORMWATER MANAGEMENT PRACTICES AND IT HAS BEEN DEMONSTRATED THAT ESD HAS BEEN

1 IMPLEMENTED TO THE MEP. The documentation shall be of sufficient detail to [meet the
2 approval of the Department of Public Works, the Department of Planning and Zoning and the
3 Health Department.] SATISFY THE DEPARTMENT OF PUBLIC WORKS THAT THE
4 FACILITY(IES) CAN BE PROVIDED IN THE EASEMENT AREA. In addition, a
5 maintenance agreement in accordance with § 214-44 shall be executed prior to or concurrent
6 with the final plat approval.

7 **§ 214-26. Applicability.**

8 The provisions of this article shall be applicable to any site with new development or redevelopment
9 activity. The stormwater management measures must be designed consistent with the Design Manual,
10 the rules and regulations and [Maryland 373 Specs] USDA NATURAL RESOURCES
11 CONSERVATION SERVICE MARYLAND CONSERVATION PRACTICE STANDARD POND
12 CODE 378 (JANUARY 2000) AND REVISIONS, as applicable, and constructed according to an
13 approved plan or the provisions of the redevelopment section of this article.

14 **§ 214-27. Conformance required; exemptions.**

15 A. No person shall develop any land for residential, commercial, industrial, institutional or
16 governmental uses without having provided stormwater management measures that control or
17 manage runoff from such developments, except as provided within this section. [For all land
18 within the Chesapeake Bay critical area, t] The stormwater management requirements specified
19 in § 267[-41.1] of the Harford County [Zoning] Code must also be met. In all cases of
20 conflicting requirements, the provision that represents the greatest restriction or highest
21 standard shall govern.

22 B. The following development activities are exempt from the provisions of this article and the
23 requirements of providing stormwater management:

- 24 (1) Agricultural land-management [activities] PRACTICES.
25 (2) Additions or modifications to existing single-family detached residential structures,
26 provided Condition Number 3 below is met.

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(3) Developments that do not disturb over 5,000 square feet of land area.

(4) Land-development activities which the [Water Management] Administration determines will be regulated under specific state laws which provide for managing stormwater runoff.

C. Multiple exemptions may be granted for a site under Paragraphs B.2 and B.3 of this subsection, provided the total land disturbance has not exceeded 5,000 square feet.

§ 214-28. Waivers/watershed management plans.

A. Stormwater management quantitative control waivers may be granted only to those projects within areas where watershed management plans have been developed consistent with Subsection F of this section.

B. If watershed management plans consistent with Subsection F of this section have not been developed, then stormwater management quantitative control waivers may be granted to projects MEETING ONE OF THE FOLLOWING CRITERIA PROVIDED THAT IT HAS BEEN DEMONSTRATED THAT ESD HAS BEEN IMPLEMENTED TO THE MEP:

(1) That have direct discharges to tidally influenced receiving waters; or

(2) When the Department determines that circumstances exist that prevent the reasonable implementation of quantity control practices, provided one of the [following] requirements OF SUBSECTION H OF THIS SECTION is satisfied; OR [:

(a) Fees in lieu of (\$1.00 per square foot of impervious area);

(b) Off-site BMP implementation for a drainage area comparable in size and percent of increased imperviousness to that of the project;

(c) Watershed or stream restoration;

(d) Retrofitting; or

(e) Other practices approved by the Department.]

(3) Where underground utilities are to be installed and the existing drainage patterns will not be changed and there is no increase in impervious area.

C. Stormwater management qualitative control waivers apply only to:

(1) In-fill development projects where the Department has determined stormwater management implementation is not feasible provided ESD HAS BEEN IMPLEMENTED TO THE MEP AND ONE OF THE REQUIREMENTS OF SUBSECTION H OF THIS SECTION IS SATISFIED. [one of the following requirements is satisfied:

(a) Fees in lieu of (\$1.00 per square foot of impervious area);

(b) Off-site BMP implementation for a drainage area comparable in size and percent of increased imperviousness to that of the project;

(c) Watershed or stream restoration;

(d) Retrofitting; or

(e) Other practices approved by the Department.]

(2) Sites where the Department determines that circumstances exist that prevent the reasonable implementation of quality control practices, provided ESD HAS BEEN IMPLEMENTED TO THE MEP AND ONE OF THE REQUIREMENTS OF SUBSECTION H OF THIS SECTION IS SATISFIED. [one of the following requirements is satisfied:

(a) Fees in lieu of (\$1.00 per square foot of impervious area);

(b) Off-site BMP implementation for a drainage area comparable in size and percent of increased imperviousness to that of the project;

(c) Watershed or stream restoration;

(d) Retrofitting; or

(e) Other practices approved by the Department.]

(3) Where underground utilities are to be installed and the existing drainage patterns will not be changed and there is no increase in impervious area.

(4) REDEVELOPMENT PROJECTS IF THE REQUIREMENTS OF § 214-29 ARE

SATISFIED.

D. Waivers granted must:

- (1) Be on a case-by-case basis;
- (2) Consider the cumulative effects of the Department's waiver policy; and
- (3) Reasonably ensure the development will not adversely impact stream quality.

E. If the Department has established an overall watershed management plan for a specific watershed, then the Department may develop quantitative waiver and redevelopment provisions that differ from § 214-28B AND § 214-29 redevelopment.

F. A watershed management plan developed by the Department for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:

- (1) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;
- (2) Evaluate both quantity and quality management AND OPPORTUNITIES FOR ESD IMPLEMENTATION;
- (3) Include cumulative impact assessment of CURRENT AND PROPOSED watershed development;
- (4) Identify existing flooding and receiving stream channel conditions;
- (5) Be conducted at a reasonable scale;
- (6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;
- (7) Be consistent with the general performance standards for stormwater management in Maryland found in Section 1.2 of the Design Manual;
- (8) Be approved by the [Water Management] Administration.

G. The Department may grant a waiver of quantitative and/or qualitative stormwater management requirements for individual developments provided that a written request is submitted by the applicant containing descriptions, drawings and any other information that is necessary to [evaluate the proposed development] DEMONSTRATE THAT ESD HAS BEEN

1 IMPLEMENTED TO THE MEP. A separate written waiver request shall be required in
2 accordance with the provisions of this section if there are additions, extensions or modifications
3 to a development that previously received a waiver.

4 H. WAIVERS OF QUANTITY AND/OR QUALITY CONTROL AS SPECIFIED IN
5 PARAGRAPH B(2), C(1) OR C(2) OF THIS SECTION MAY BE GRANTED ON A
6 CASE-BY-CASE BASIS PROVIDED ONE OF THE FOLLOWING REQUIREMENTS, IN
7 ORDER OF PREFERENCE, IS SATISFIED:

8 (1) RETROFITTING OF AN EXISTING STORMWATER MANAGEMENT SYSTEM
9 TO MEET THE CURRENT DESIGN CRITERIA AND THAT COMPENSATES
10 FOR THE LACK OF TREATMENT PROVIDED AT THE SITE.

11 (2) OFF-SITE BMP IMPLEMENTATION FOR A DRAINAGE AREA
12 COMPARABLE IN SIZE AND PERCENT IMPERVIOUSNESS AND WHICH
13 COMPENSATES FOR THE LACK OF TREATMENT PROVIDED AT THE SITE.
14 THE SPECIFIC PRACTICES MUST BE REVIEWED AND APPROVED BY THE
15 DEPARTMENT AND PROVISIONS MUST BE MADE FOR THE
16 MAINTENANCE OF THE FACILITY.

17 (3) USE OF AN APPROVED STORMWATER MANAGEMENT BANKING SITE
18 WITHIN THE SAME WATERSHED. CRITERIA FOR DEBITING THE BANK
19 FOR PROJECTS UTILIZING THE SITE SHALL BE DEVELOPED BY THE
20 DEPARTMENT FOR EACH BANKING SITE. A STORMWATER
21 MANAGEMENT PERMIT MUST BE ISSUED PRIOR TO UTILIZING THE
22 BANKING SITE AND PROVISIONS MUST BE MADE FOR THE
23 MAINTENANCE OF THE FACILITY.

24 (4) WATERSHED OR STREAM RESTORATION AT SITES IDENTIFIED AND
25 APPROVED BY THE DEPARTMENT THAT REDUCE POLLUTANT LOADING
26 COMPARABLE TO THAT WHICH WOULD BE REQUIRED OF THE

PROPOSED PROJECT. THE SCOPE AND SPECIFIC PRACTICES USED IN THE RESTORATION EFFORT MUST BE REVIEWED AND APPROVED BY THE DEPARTMENT AND MUST COMPLY WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL PERMIT REQUIREMENTS AND REGULATIONS.

(5) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

(6) FEE IN LIEU OF QUANTITY CONTROL IN THE AMOUNT OF \$1.00 PER SQUARE FOOT OF IMPERVIOUS AREA WHERE PHYSICAL CONSTRAINTS DO NOT ALLOW IMPLEMENTATION OF A STORMWATER MANAGEMENT SYSTEM.

(7) FEE IN LIEU OF QUALITY CONTROL IN THE AMOUNT OF \$1.00 PER SQUARE FOOT OF IMPERVIOUS AREA WHERE PHYSICAL CONSTRAINTS DO NOT ALLOW IMPLEMENTATION OF A STORMWATER MANAGEMENT SYSTEM.

[H.]. Money collected as fees in lieu [of] under this subsection shall be deposited into a separate account and shall be used only to fund the investigation, design, construction, ACQUISITION OF EASEMENTS OR PROPERTY or maintenance of projects for quantitative or qualitative stormwater management or stream restoration.

J. THE DEPARTMENT SHALL POST A LIST OF ALL WAIVERS GRANTED ON THE COUNTY'S WEBSITE.

§ 214-29. Redevelopment.

A. STORMWATER MANAGEMENT PLANS ARE REQUIRED BY THE DEPARTMENT FOR ALL REDEVELOPMENT, UNLESS OTHERWISE SPECIFIED BY WATERSHED MANAGEMENT PLANS DEVELOPED ACCORDING TO § 214-28F OF THIS ARTICLE. Stormwater management plans for redevelopment shall be consistent with the Design Manual, the rules and regulations and Maryland 378 Specs (as required). [except that the recharge, channel protection storage volume and overbank flood protection volume

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requirements do not apply unless required by the Department.

B. All redevelopment projects shall reduce existing site impervious areas by at least 20%. Where site conditions prevent the reduction of impervious area, stormwater management practices shall be implemented to provide qualitative control for at least 20% of the site's impervious area. When a combination of impervious area reduction and stormwater practice implementation is used, the combined area shall equal or exceed 20% of the site.

C. Where conditions prevent impervious area reduction or on-site stormwater management, practical alternatives may be considered, including but not limited to:

- (1) Fees in lieu of (\$1.00 per square foot of impervious area);
- (2) Off-site BMP implementation for a drainage area comparable in size and percent imperviousness to that of the project;
- (3) Watershed or stream restoration;
- (4) Retrofitting; or
- (5) Other practices approved by the Department.]

B. ALL REDEVELOPMENT PROJECT DESIGNS SHALL REDUCE IMPERVIOUS AREAS WITHIN THE LIMIT OF DISTURBANCE (LOD) BY AT LEAST 50% AS CALCULATED USING THE DESIGN MANUAL. WHERE SITE CONDITIONS PREVENT THE REDUCTION OF IMPERVIOUS AREA, STORMWATER MANAGEMENT PRACTICES SHALL IMPLEMENT ESD TO THE MEP TO PROVIDE WATER QUALITY TREATMENT FOR AT LEAST 50% OF THE EXISTING IMPERVIOUS AREA WITHIN THE LOD. WHEN A COMBINATION OF IMPERVIOUS AREA REDUCTION AND ESD IMPLEMENTATION IS USED, THE COMBINED AREA SHALL BE AT LEAST 50% OF THE EXISTING SITE IMPERVIOUS AREA.

C. ALTERNATIVE STORMWATER MANAGEMENT MEASURES MAY BE USED TO MEET THE REQUIREMENTS IN § 214-29B OF THIS ARTICLE IF THE APPLICANT

1 SATISFACTORILY DEMONSTRATES TO THE DEPARTMENT THAT IMPERVIOUS
2 AREA REDUCTION HAS BEEN MAXIMIZED AND ESD HAS BEEN IMPLEMENTED
3 TO THE MEP. ALTERNATIVE STORMWATER MANAGEMENT MEASURES
4 INCLUDE, BUT ARE NOT LIMITED TO:

- 5 (1) AN ON-SITE STRUCTURAL BMP.
- 6 (2) OFF-SITE STRUCTURAL BMP TO PROVIDE WATER QUALITY TREATMENT
7 FOR AN AREA EQUAL TO OR GREATER THAN 50% OF THE EXISTING
8 IMPERVIOUS AREA.
- 9 (3) A COMBINATION OF IMPERVIOUS AREA REDUCTION, ESD
10 IMPLEMENTATION AND ON-SITE OR OFF-SITE STRUCTURAL BMP FOR
11 AN AREA EQUAL TO OR GREATER THAN 50% OF THE EXISTING SITE
12 IMPERVIOUS AREA WITHIN THE LOD.

13 D. HARFORD COUNTY MAY DEVELOP SEPARATE POLICIES FOR PROVIDING
14 WATER QUALITY TREATMENT FOR REDEVELOPMENT PROJECTS IF THE
15 REQUIREMENTS OF § 214-29B CANNOT BE MET. THESE POLICIES IN THE
16 FOLLOWING ORDER OF PREFERENCE MAY INCLUDE, BUT NOT BE LIMITED TO:

- 17 (1) RETROFITTING OF AN EXISTING STORMWATER MANAGEMENT SYSTEM
18 TO MEET THE CURRENT DESIGN CRITERIA AND THAT COMPENSATES
19 FOR THE LACK OF TREATMENT PROVIDED AT THE SITE.
- 20 (2) USE OF AN APPROVED STORMWATER MANAGEMENT BANKING SITE
21 WITHIN THE SAME WATERSHED. CRITERIA FOR DEBITING THE BANK
22 FOR PROJECTS UTILIZING THE SITE SHALL BE DEVELOPED BY THE
23 DEPARTMENT FOR EACH BANKING SITE. A STORMWATER
24 MANAGEMENT PERMIT MUST BE ISSUED PRIOR TO UTILIZING THE

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BANKING SITE AND PROVISIONS MUST BE MADE FOR THE
MAINTENANCE OF THE FACILITY.

(3) WATERSHED OR STREAM RESTORATION AT SITES IDENTIFIED AND
APPROVED BY THE DEPARTMENT TO REDUCE THE POLLUTANT
LOADING COMPARABLE TO THAT WHICH WOULD BE REQUIRED OF THE
PROPOSED PROJECT. THE SCOPE AND SPECIFIC PRACTICES USED IN
THE RESTORATION EFFORT MUST BE REVIEWED AND APPROVED BY
THE DEPARTMENT AND MUST COMPLY WITH ALL APPLICABLE LOCAL,
STATE AND FEDERAL PERMIT REQUIREMENTS AND REGULATIONS.

(4) OTHER PRACTICES APPROVED BY THE DEPARTMENT.

(5) FEES IN LIEU OF QUALITY CONTROL IN THE AMOUNT OF \$1.00 PER
SQUARE FOOT OF IMPERVIOUS AREA WHEN PHYSICAL CONSTRAINTS
DO NOT ALLOW IMPLEMENTATION OF A STORMWATER MANAGEMENT
SYSTEM.

[D.]E. Money collected as fees in lieu [of] under this subsection shall be deposited into a separate
account and shall be used only to fund the investigation, design, construction, ACQUISITION
OF EASEMENTS OR PROPERTY or maintenance of projects for quantitative or qualitative
stormwater management or stream restoration.

F. STORMWATER MANAGEMENT SHALL BE ADDRESSED ACCORDING TO THE
NEW DEVELOPMENT REQUIREMENTS IN THE DESIGN MANUAL FOR ANY NET
INCREASE IN IMPERVIOUS AREA.

§ 214-30. Variances.

The Department may grant a written variance from any requirement of stormwater management criteria
of this article if there are exceptional circumstances applicable to the site such that strict adherence will
result in unnecessary hardship and not fulfill the intent of the article. A VARIANCE MAY NOT BE
GRANTED BASED SOLELY ON FINANCIAL HARDSHIP. A written request for variance shall be

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provided to the Department and shall state the specific variances sought and reasons for their granting.

The Department shall not grant a variance unless and until sufficient justification is provided by the person developing land THAT THE IMPLEMENTATION OF ESD TO THE MEP HAS BEEN INVESTIGATED THOROUGHLY.

§ 214-31. Stormwater management criteria.

A. Minimum control requirements.

(1) The minimum control requirements established in this section and the Design Manual are as follows:

(a) The County shall require that the PLANNING TECHNIQUES, NONSTRUCTURAL PRACTICES AND DESIGN METHODS SPECIFIED IN THE DESIGN MANUAL BE USED TO IMPLEMENT ESD TO THE MEP. THE USE OF ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES MUST BE EXHAUSTED BEFORE ANY STRUCTURAL BMP IS IMPLEMENTED. STORMWATER MANAGEMENT PLANS FOR DEVELOPMENT PROJECTS SUBJECT TO THIS ARTICLE SHALL BE DESIGNED USING ESD SIZING CRITERIA, recharge volume, water quality volume and channel protection storage volume sizing criteria [be used to design BMPs] according to the Design Manual. THE MEP STANDARD IS MET WHEN CHANNEL STABILITY IS MAINTAINED, PREDEVELOPMENT GROUNDWATER RECHARGE IS REPLICATED, NONPOINT SOURCE POLLUTION IS MINIMIZED AND STRUCTURAL STORMWATER MANAGEMENT PRACTICES ARE USED ONLY IF DETERMINED TO BE ABSOLUTELY NECESSARY. Control of the 10-year frequency storm event is required according to the Design Manual EXCEPT FOR RESIDENTIAL LOTS GREATER THAN 2 ACRES WHICH ACCESS ONTO EXISTING ROADS AND WHERE IMPERVIOUS

1 SURFACES ARE DESIGNED TO DRAIN AND DISCHARGE IN A NON-
2 EROSION MANNER.

3 (b) The Department may require more than the minimum control requirements
4 specified in this article if hydrologic or topographic conditions warrant or if
5 flooding, stream channel erosion or water quality problems exist downstream
6 from a proposed project.

7 (2) ALTERNATIVE MINIMUM CONTROL REQUIREMENTS MAY BE ADOPTED
8 BY THE DEPARTMENT SUBJECT TO ADMINISTRATION APPROVAL. THE
9 ADMINISTRATION SHALL REQUIRE A DEMONSTRATION THAT
10 ALTERNATIVE REQUIREMENTS WILL IMPLEMENT ESD TO THE MEP AND
11 CONTROL FLOOD DAMAGES, ACCELERATED STREAM EROSION, WATER
12 QUALITY AND SEDIMENTATION. COMPREHENSIVE WATERSHED
13 STUDIES MAY ALSO BE REQUIRED.

14 [(2)](3) Stormwater management and development plans, where applicable, shall be consistent
15 with adopted and approved watershed management plans [f]or flood management plans
16 as approved by the Maryland Department of the Environment in accordance with the
17 Flood Hazard Management Act of 1976.

18 B. Stormwater management measures. The ESD PLANNING TECHNIQUES AND
19 PRACTICES AND structural [and nonstructural] stormwater management measures
20 established in this article shall be used either alone or in a combination, in developing a
21 stormwater management plan. THE APPLICANT SHALL DEMONSTRATE THAT ESD
22 HAS BEEN IMPLEMENTED TO THE MEP BEFORE THE USE OF A STRUCTURAL
23 BMP IS CONSIDERED IN DEVELOPING THE STORMWATER MANAGEMENT
24 PLAN.

25 (1) ESD PLANNING TECHNIQUES AND PRACTICES.

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1 (A) THE FOLLOWING PLANNING TECHNIQUES SHALL BE APPLIED
2 ACCORDING TO THE DESIGN MANUAL TO SATISFY THE
3 APPLICABLE CONTROL REQUIREMENTS ESTABLISHED IN
4 SUBSECTION A OF THIS SECTION:

- 5 [1] PRESERVING AND PROTECTING NATURAL RESOURCES;
- 6 [2] CONSERVING NATURAL DRAINAGE PATTERNS;
- 7 [3] MINIMIZING IMPERVIOUS AREA;
- 8 [4] REDUCING RUNOFF VOLUME;
- 9 [5] USING ESD PRACTICES TO MAINTAIN 100% OF THE
10 ANNUAL PREDEVELOPMENT GROUNDWATER RECHARGE
11 VOLUME;
- 12 [6] USING GREEN ROOFS, PERMEABLE PAVEMENT,
13 REINFORCED TURF AND OTHER ALTERNATIVE SURFACES;
- 14 [7] LIMITING SOIL DISTURBANCE, MASS GRADING AND
15 COMPACTION;
- 16 [8] CLUSTERING DEVELOPMENT; AND
- 17 [9] ANY PRACTICE APPROVED BY THE ADMINISTRATION.

18 (B) THE FOLLOWING ESD TREATMENT PRACTICES SHALL BE
19 DESIGNED ACCORDING TO THE DESIGN MANUAL TO SATISFY
20 THE APPLICABLE MINIMUM CONTROL REQUIREMENTS
21 ESTABLISHED IN SUBSECTION A OF THIS SECTION:

- 22 [1] DISCONNECTION OF ROOFTOP RUNOFF;
- 23 [2] DISCONNECTION OF NON-ROOFTOP RUNOFF;
- 24 [3] SHEETFLOW TO CONSERVATION AREAS;
- 25 [4] RAINWATERING HARVESTING;
- 26 [5] SUBMERGED GRAVEL WETLANDS;

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- [6] LANDSCAPE INFILTRATION;
- [7] INFILTRATION BERMS;
- [8] DRY WELLS;
- [9] MICRO-BIORETENTION;
- [10] RAIN GARDENS;
- [11] SWALES AND MEANDERING CHANNELS;
- [12] ENHANCED FILTERS; AND
- [13] ANY PRACTICES APPROVED BY THE ADMINISTRATION.

(C) THE USE OF ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES SPECIFIED IN THIS SECTION SHALL NOT CONFLICT WITH EXISTING STATE LAW OR THE COUNTY CODE, COUNTY REGULATIONS OR POLICIES.

[(1)](2) Structural stormwater management measures.

(a) The following structural stormwater management practices shall be designed according to the Design Manual and the rules and regulations to satisfy the applicable minimum control requirements established in Subsection A of this section[.]:

- [1] Stormwater management ponds;
- [2] Stormwater management wetlands;
- [3] Stormwater management infiltration;
- [4] Stormwater management filtering systems; and
- [5] Stormwater management open channel systems.

(b) The performance criteria specified in the Design Manual and the rules and regulations with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping and maintenance shall be considered when selecting structural stormwater management practices.

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(c) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the County.

[(2) Nonstructural stormwater management measures.

(a) The following nonstructural stormwater management practices shall be applied according to the Design Manual to minimize increases in new development runoff:

- [1] Natural area conservation;
- [2] Disconnection of rooftop runoff;
- [3] Disconnection of non-rooftop runoff;
- [4] Sheet flow to buffers;
- [5] Grass channels; and
- [6] environmentally sensitive development.

(b) The use of nonstructural stormwater management practices shall be encouraged to minimize the reliance on structural BMPs.

(c) The minimum control requirements listed in Subsection A of this section may be reduced when nonstructural stormwater management practices are incorporated into site designs according to the Design Manual and the rules and regulations.

(d) The use of nonstructural stormwater management practices may not conflict with existing state or local laws, ordinances, regulations or policies.

(e) Nonstructural stormwater management practices used to reduce the minimum control requirements must be recorded in the land records of Harford County and remain unaltered by subsequent property owners. Prior approval from the Department shall be obtained before nonstructural stormwater practices are altered.]

(3) EASEMENTS AND MAINTENANCE AGREEMENTS NECESSARY FOR THE

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1 ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES AND
2 STRUCTURAL STORMWATER MANAGEMENT MEASURES USED TO
3 SATISFY THE MINIMUM REQUIREMENTS IN SUBSECTION B OF THIS
4 SECTION MUST BE RECORDED IN THE LAND RECORDS OF HARFORD
5 COUNTY. THE PRACTICES SHALL REMAIN UNALTERED BY
6 SUBSEQUENT PROPERTY OWNERS UNLESS PRIOR APPROVAL IS
7 OBTAINED FROM THE DEPARTMENT.

8 [(3)](4)Alternative [structural and nonstructural] ESD PLANNING TECHNIQUES AND
9 TREATMENT PRACTICES AND STRUCTURAL stormwater management practices
10 may be used for new development [water quality] RUNOFF control if they meet the
11 performance criteria established in the Design Manual AND ALL SUBSEQUENT
12 REVISIONS and are approved by the [Water Management] Administration. Practices
13 used for redevelopment projects shall be approved by the Department.

14 [(4)](5)For the purpose of modifying the minimum control requirements or design criteria, the
15 [owner/developer] APPLICANT shall submit to the Department an analysis of the
16 impacts of stormwater flows downstream in the watershed. The analysis shall include
17 hydrologic and hydraulic calculations necessary to determine the impact of hydrograph
18 timing modifications of the proposed development upon a dam, highway, structure or
19 natural point of restricted stream flow. The point of investigation is to be established
20 with the concurrence of the Department downstream of the first downstream tributary
21 whose drainage area equals or exceeds the contributing area to the project or
22 stormwater management facility.

23 C. Specific design criteria. The basic design criteria, methodologies and construction
24 specifications, subject to the approval of the Department and the [Water Management]
25 Administration, shall be those of the Design Manual and the rules and regulations. For all land
26 within the Edgewood Enterprise Zone, the stormwater management requirements for

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landscaping shall also include the following as acceptable plantings: crabapples (Malus 'prairie fire'); red spire pear (Pyrus calleryana 'red spire'); and sugar tyme crab (Malus 'sugar tyme').

- D. The use of an off-site facility for channel protection volume (cpv), overbank flood protection volume (qp) and extreme flood volume (qf) is acceptable provided THE SITE HAS IMPLEMENTED ESD TO THE MEP ACCORDING TO THE DESIGN MANUAL AND the runoff is conveyed to the off-site facility via a closed storm drain or similarly engineered system. It is not acceptable to subject natural stream systems to erosive conditions for conveying unmanaged stormwater runoff to downstream regional facilities. The engineer shall submit proof that the facility was designed to control runoff from the proposed development in question and that the facility has the capacity to control the additional runoff caused by the proposed development in question. An agreement allowing such use of an off-site facility shall be executed between the developer and the owner of the off-site facility and shall be recorded in the land records of Harford County.

§ 214-32. Stormwater management plans.

- A. Review and approval of stormwater management plans.

[(1) For any proposed development, the developer shall submit a stormwater management plan or waiver application to the Department for review and approval, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings and sufficient information describing the manner, location and types of measures in which stormwater runoff will be managed from the entire development. The Department shall review the plan to determine compliance with the requirements of this article prior to approval. The plan shall serve as the basis for all subsequent construction.]

- (1) FOR ANY PROPOSED DEVELOPMENT, THE APPLICANT SHALL SUBMIT PHASED STORMWATER MANAGEMENT PLANS OR A WAIVER APPLICATION TO THE DEPARTMENT FOR REVIEW AND APPROVAL,

1 UNLESS OTHERWISE EXEMPTED. AT A MINIMUM, PLANS SHALL BE
2 SUBMITTED FOR THE STORMWATER MANAGEMENT CONCEPT, SITE
3 DEVELOPMENT AND FINAL STORMWATER MANAGEMENT
4 CONSTRUCTION PHASES OF PROJECT DESIGN. EACH PLAN SUBMITTAL
5 SHALL INCLUDE THE MINIMUM CONTENT SPECIFIED IN SUBSECTION B
6 OF THIS SECTION AND MEET THE REQUIREMENTS OF THE DESIGN
7 MANUAL AND § 214-31 OF THIS ARTICLE. THE DEPARTMENT SHALL
8 PERFORM A COMPREHENSIVE REVIEW OF THE PLANS FOR EACH PHASE
9 OF SITE DESIGN TO DETERMINE COMPLIANCE WITH THE
10 REQUIREMENTS OF THIS ARTICLE. COORDINATED COMMENTS WILL BE
11 PROVIDED FOR EACH PHASE THAT REFLECT INPUT FROM THE DISTRICT
12 AND THE DEPARTMENT OF PLANNING AND ZONING. ALL COMMENTS
13 FROM THE DEPARTMENT, THE DISTRICT AND THE DEPARTMENT OF
14 PLANNING AND ZONING SHALL BE ADDRESSED AND INCLUDED IN
15 SUBSEQUENT SUBMISSIONS UNLESS THE PROJECT MEETS THE
16 REQUIREMENTS SET FORTH IN SUBSECTION A(2). THE PLANS SHALL
17 SERVE AS THE BASIS FOR ALL SUBSEQUENT CONSTRUCTION.

- 18 (2) CERTAIN PROJECTS MAY BE SUBMITTED UNDER AN ABBREVIATED
19 REVIEW PROCESS THAT INCLUDES ONLY THE CONCEPT AND FINAL
20 PLAN PHASES AND WILL NOT BE REQUIRED TO PROVIDE THE
21 STORMWATER MANAGEMENT SITE DEVELOPMENT PLAN; HOWEVER,
22 THE REQUIRED INFORMATION SHALL BE INCLUDED IN THE FINAL
23 STORMWATER MANAGEMENT PLAN. AN ABBREVIATED REVIEW
24 PROCESS MAY BE ALLOWED FOR:

- 25 (A) PROJECTS WHICH DO NOT REQUIRE THE SUBMITTAL AND
26 REVIEW OF THE DEVELOPMENT ADVISORY COMMITTEE.

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(B) PROJECTS DESIGNATED FOR FAST TRACK REVIEW BY THE
COUNTY EXECUTIVE AS IDENTIFIED UNDER CHAPTER 268 OF
THE HARFORD COUNTY CODE.

(C) PROJECTS THAT DISTURB LESS THAN 1 ACRE.

[(2)](3) Notification of approval or reasons for disapproval or modification shall be given to the
applicant within 30 calendar days after submission of the completed stormwater plan.
If a decision is not made within 30 calendar days, the applicant shall be informed of the
status of the review process and the anticipated completion date. The stormwater
management FINAL plan shall not be considered approved without the inclusion of the
signature and date of signature of the Director on the plan.

[B. Contents of the stormwater management plan. The developer is responsible for submitting a
stormwater management plan that meets the design requirements of this article, the Design
Manual and the rules and regulations. The plan shall be accompanied by a report that includes
sufficient information to evaluate the environmental characteristics of affected areas, the
potential impacts of the proposed development on water resources and the effectiveness and
acceptability of measures proposed for managing stormwater runoff. The developer or builder
shall certify on the drawings that all clearing, grading, drainage, construction and development
shall be conducted in strict accordance with the plan. If a stormwater management plan
involves direction of some or all runoff from the site, it is the responsibility of the developer to
obtain from adjacent property owners any easements or necessary property interests concerning
flowage of water. Approval of a stormwater management plan does not create or affect any
right to direct runoff onto adjacent property without that property owner's permission. The
minimum information submitted for support of a stormwater management plan or application
for a waiver shall be as specified in the rules and regulations or in COMAR 26.17.02.09
(whichever is more restrictive).]

B. CONTENTS OF THE STORMWATER MANAGEMENT PLAN.

1 (1) THE APPLICANT SHALL SUBMIT A STORMWATER MANAGEMENT
2 CONCEPT PLAN BEFORE A PRELIMINARY PLAN OR SITE PLAN IS
3 SUBMITTED FOR THE LOT OR PARCEL BEING DEVELOPED. THE
4 CONCEPT PLAN SHALL PROVIDE SUFFICIENT INFORMATION FOR AN
5 INITIAL ASSESSMENT OF THE PROPOSED PROJECT AND WHETHER
6 STORMWATER MANAGEMENT CAN BE PROVIDED IN ACCORDANCE TO
7 § 214-31B OF THIS ARTICLE AND THE DESIGN MANUAL. PLANS
8 SUBMITTED FOR CONCEPT APPROVAL SHALL INCLUDE, BUT ARE NOT
9 LIMITED TO:

10 (A) A MAP AT A SCALE OF 1"=100', 1"=50', 1"=20' OR AS APPROVED
11 BY THE DEPARTMENT AND ALLOWING THE NECESSARY DETAIL
12 TO SHOW SITE LOCATION, EXISTING NATURAL FEATURES,
13 WATER AND OTHER SENSITIVE RESOURCES, TOPOGRAPHY AND
14 NATURAL DRAINAGE PATTERNS.

15 (B) THE ANTICIPATED LOCATION OF ALL PROPOSED IMPERVIOUS
16 AREAS, BUILDINGS, ROADWAYS, PARKING, SIDEWALKS,
17 UTILITIES AND OTHER SITE IMPROVEMENTS.

18 (C) THE LOCATION OF THE PROPOSED LIMIT OF DISTURBANCE,
19 ERODIBLE SOILS, STEEP SLOPES AND AREAS TO BE PROTECTED
20 DURING CONSTRUCTION.

21 (D) PRELIMINARY ESTIMATES OF STORMWATER MANAGEMENT
22 REQUIREMENTS, THE SELECTION AND LOCATION OF ESD
23 PRACTICES TO BE USED AND THE LOCATION OF ALL POINTS OF
24 DISCHARGE FROM THE SITE.

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1 (E) A NARRATIVE THAT SUPPORTS THE CONCEPT DESIGN AND
2 DESCRIBES HOW ESD WILL BE IMPLEMENTED TO THE MEP AND
3 HOW QUANTITY MANAGEMENT WILL BE IMPLEMENTED.

4 (F) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

5 (2) FOLLOWING THE STORMWATER MANAGEMENT CONCEPT APPROVAL
6 BY THE DEPARTMENT, THE APPLICANT SHALL SUBMIT STORMWATER
7 MANAGEMENT SITE DEVELOPMENT PLANS THAT REFLECT COMMENTS
8 RECEIVED DURING THE PREVIOUS REVIEW PHASE. PLANS SUBMITTED
9 FOR STORMWATER MANAGEMENT SITE DEVELOPMENT APPROVAL
10 SHALL BE OF SUFFICIENT DETAIL TO ALLOW SITE DEVELOPMENT TO
11 BE REVIEWED AND INCLUDE, BUT NOT BE LIMITED TO:

12 (A) ALL INFORMATION PROVIDED DURING THE STORMWATER
13 MANAGEMENT CONCEPT PLAN REVIEW PHASE.

14 (B) FINAL SITE LAYOUT, EXACT IMPERVIOUS AREA LOCATIONS AND
15 ACREAGES, PROPOSED TOPOGRAPHY, DELINEATED DRAINAGE
16 AREAS AT ALL POINTS OF DISCHARGE FROM THE SITE AND
17 STORMWATER VOLUME COMPUTATIONS FOR ESD PRACTICES
18 AND QUANTITY CONTROL STRUCTURES.

19 (C) A PROPOSED EROSION AND SEDIMENT CONTROL PLAN THAT
20 CONTAINS THE CONSTRUCTION SEQUENCE, ANY PHASING
21 NECESSARY TO LIMIT EARTH DISTURBANCES AND IMPACTS TO
22 NATURAL RESOURCES AND AN OVERLAY PLAN SHOWING THE
23 TYPES AND LOCATIONS OF ESD AND EROSION AND SEDIMENT
24 CONTROL PRACTICES TO BE USED.

25 (D) A NARRATIVE THAT SUPPORTS THE SITE DEVELOPMENT DESIGN,
26 DESCRIBES HOW ESD WILL BE USED TO MEET THE MINIMUM

CONTROL REQUIREMENTS AND JUSTIFIES ANY PROPOSED
STRUCTURAL STORMWATER MANAGEMENT MEASURE.

(E) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(3) FOLLOWING STORMWATER MANAGEMENT SITE PLAN APPROVAL BY
THE DEPARTMENT, THE APPLICANT SHALL SUBMIT FINAL EROSION
AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLANS
THAT REFLECT THE COMMENTS RECEIVED DURING THE PREVIOUS
REVIEW PHASE. PLANS SUBMITTED FOR FINAL APPROVAL SHALL BE
OF SUFFICIENT DETAIL TO ALLOW ALL APPROVALS AND PERMITS TO
BE ISSUED ACCORDING TO THE FOLLOWING:

(A) FINAL EROSION AND SEDIMENT CONTROL PLANS SHALL BE
SUBMITTED ACCORDING TO COMAR 26.17.01.05; AND

(B) STORMWATER MANAGEMENT FINAL PLANS SHALL BE
SUBMITTED FOR APPROVAL IN THE FORM OF CONSTRUCTION
DRAWINGS AND BE ACCOMPANIED BY A REPORT THAT
INCLUDES SUFFICIENT INFORMATION TO EVALUATE THE
EFFECTIVENESS OF THE PROPOSED RUNOFF CONTROL DESIGN.

(4) REPORTS FOR STORMWATER MANAGEMENT FINAL PLANS SHALL
INCLUDE GEOTECHNICAL INVESTIGATIONS, NARRATIVE THAT
SUPPORTS THE DESIGN, HYDROLOGIC COMPUTATIONS FOR ALL POINTS
OF DISCHARGE FROM THE SITE AND HYDRAULIC AND STRUCTURAL
COMPUTATIONS. THE REPORT SHALL INCLUDE ALL COMPUTATIONS IN
ACCORDANCE WITH THE DESIGN MANUAL AND ANY OTHER
INFORMATION REQUIRED BY THE DEPARTMENT.

(5) CONSTRUCTION DRAWINGS SUBMITTED FOR STORMWATER
MANAGEMENT FINAL PLAN APPROVAL SHALL INCLUDE DRAINAGE

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1 AREA MAPS, VICINITY MAP, ANY PROPOSED IMPROVEMENTS, EXISTING
2 AND PROPOSED CONTOURS, EXISTING AND PROPOSED STRUCTURES
3 AND UTILITIES, FLOODPLAINS, WETLANDS, BUFFERS, DETAILS,
4 SECTIONS AND PROFILES OF ALL FACILITIES, SPECIFICATIONS,
5 SEQUENCE, DATA, LANDSCAPE PLAN, BORING LOGS AND LOCATIONS,
6 INSPECTION AND MAINTENANCE SCHEDULES, CERTIFICATIONS AND
7 ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

- 8 (6) THE OWNER/DEVELOPER SHALL CERTIFY ON THE DRAWINGS THAT
9 ALL CLEARING, GRADING, DRAINAGE, CONSTRUCTION AND
10 DEVELOPMENT SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH
11 THE PLAN.

12 C. Preparation of the stormwater management plan.

- 13 (1) The design of stormwater management plans and computations shall be prepared by
14 either a professional engineer or professional land surveyor [licensed in Maryland] or,
15 where allowed under state law, by a registered landscape architect [licensed in
16 Maryland].

- 17 (2) If a stormwater BMP requires either a dam safety permit from the [Water Management]
18 Administration or small pond approval from the District, the Department shall require
19 that the design be prepared by a professional engineer [licensed in Maryland].

20 D. [When a stormwater management plan involves redirecting some or all runoff off of the site, it
21 shall be the responsibility of the developer to obtain from adjacent property owners any
22 necessary easements. Approval of a stormwater management plan does not create or affect any
23 such right.] IF A STORMWATER MANAGEMENT PLAN INVOLVES REDIRECTION
24 OF SOME OR ALL RUNOFF FROM THE SITE, IT IS THE RESPONSIBILITY OF THE
25 OWNER TO OBTAIN FROM ADJACENT PROPERTY OWNERS ANY EASEMENTS
26 OR NECESSARY PROPERTY INTERESTS CONCERNING FLOWAGE OF WATER.

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1 APPROVAL OF A STORMWATER MANAGEMENT PLAN DOES NOT CREATE OR
2 AFFECT ANY RIGHT TO DIRECT RUNOFF ONTO ADJACENT PROPERTY
3 WITHOUT THAT PROPERTY OWNER'S PERMISSION.

4 E. An agreement allowing use of any off-site stormwater management facility shall be executed
5 between the [developer] OWNER OF THE LAND TO BE DEVELOPED and the owner of the
6 off-site facility and shall be recorded in the land records of Harford County.

7 F. Stormwater management plan approval shall be valid for a period of 24 consecutive months.
8 For sites on which work has not been completed within this time frame, the plan shall be
9 subject to an update review and reapproval.

10 G. Stormwater management plans which specify the design and construction of structures which
11 are subject to Maryland 378 Specs must receive District and/or [Water Management]
12 Administration dam safety approval prior to receiving approval from the County.

13 **§ 214-33. Plan modification.**

14 A. Major modifications of the approved plans shall be submitted to the Department and
15 reprocessed in the same manner as the original plan when:

16 (1) Inspection has revealed the inadequacy of the plan to accomplish the stormwater
17 management objectives of the plan. Cost for modification shall be borne by the owner
18 if such inadequacy is or was the responsibility of the owner, and further development of
19 the site shall be prohibited until the modifications are made.

20 (2) The person responsible for carrying out the approved plan finds that, because of
21 changed circumstances or for other reasons, the approved plan cannot be effectively
22 executed and proposes revisions to the plan that are consistent with the requirements of
23 this article.

24 B. The Department may, in emergency situations and at its discretion, order repairs or
25 modifications in order to protect watercourses, other properties or the general public from
26 damage, to remain in effect until such modifications or revisions to the plan shall have been

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1 approved and implemented. Further development of the site shall be prohibited until the
2 modifications are made.

3 C. Field modifications of a minor nature, where such changes do not render the plan ineffective,
4 may be authorized by the Department, provided that written authorization is given to the person
5 performing work pursuant to this article, with a copy forwarded in a timely manner to the
6 District when applicable. Minor modifications shall not include changes to the hydraulic and/or
7 structural design for which the plan was approved.

8 **§ 214-34. Permits.**

9 A. Permit requirement. A grading or building permit shall not be issued for any parcel or lot
10 unless [a stormwater management plan has] FINAL EROSION AND SEDIMENT CONTROL
11 AND STORMWATER MANAGEMENT PLANS HAVE been approved, exempted or waived
12 by the Department as meeting all the requirements of THE DESIGN MANUAL AND this
13 article. Where appropriate, a building permit AND/OR GRADING PERMIT may not be
14 issued without:

15 (1) Recorded easements for the stormwater management facility, easements for any area
16 inundated by the 100-year storm, easements from a public right-of-way to provide
17 adequate access for inspection and maintenance and easements from a public right-of-
18 way to an off-site stormwater management facility;

19 (2) A recorded stormwater management maintenance agreement which complies with the
20 requirements of § 214-44 of this article;

21 (3) A performance bond which complies with the requirements of § 214-37 of this article;
22 and

23 (4) Permission from adjacent property owners as required.

24 B. Permit conditions. When stormwater management facilities are required, it shall be the
25 responsibility of the [developer/owner] APPLICANT of the affected property or such
26 [developer/owner's] APPLICANT'S authorized agent to file an application for a stormwater

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1 management permit with the Department. The application shall be accompanied by plans
2 approved by the Department and, when applicable, the District and the performance bond.

3 (1) Work required by a stormwater management plan may not be conducted unless a
4 grading permit has been issued in accordance with Article I - Sediment Control.

5 (2) Stormwater management permits shall expire concurrently with stormwater
6 management plan approval. For stormwater management plans which require an
7 update review and reapproval, a new application for a stormwater management permit
8 shall be submitted.

9 (3) The approved plan shall be a part of the permit. Issuance of building permits and/or use
10 and occupancy permits shall be withheld pending approval of the final stormwater
11 management plan, unless stormwater management has been otherwise waived or
12 exempted for the site.

13 (4) If a proposed stormwater management facility requires a permit from the [Water
14 Management] Administration or any other state or federal agency, the Harford County
15 stormwater management permit required under the provision of this article will not be
16 issued until the necessary [s]State and/or federal permits pertaining to the site have
17 been approved and forwarded to the Department.

18 (5) In granting any permit, the Department may attach such conditions thereto as may be
19 deemed reasonably necessary to ensure public health and safety and the mitigation of
20 environmental impact.

21 **§ 214-35. Permit fee.**

22 Fees for technical and engineering review, inspection and enforcement activities shall be as established
23 by law.

24 **§ 214-36. Permit suspension and revocation.**

25 A. Any stormwater management permit, grading permit, building permit or stormwater
26 management waiver issued by the County may be suspended or revoked after written notice is

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given by certified mail to correct identified violations within the time frame specified in the notice:

- (1) Any violation(s) of the conditions of the stormwater management plan approval.
- (2) Changes in site runoff characteristics upon which a waiver was granted.
- (3) Site runoff characteristics on the final grading plans which contradict characteristics on the approved stormwater management plans.
- (4) Construction not in accordance with the approved plans.
- (5) Noncompliance with correction notice(s) or stop-work order(s) issued for the construction of the stormwater management facility.
- (6) Noncompliance with correction notice(s) or stop work order(s) issued for sediment control or grading where the noncompliance may cause detrimental effects to the stormwater management facility.

B. Nothing in this section shall be interpreted as prohibiting the Department from immediately suspending or revoking any permit or waiver issued by the County, without written notice if, in the sole discretion of the Department, it is determined that an immediate danger to person or property exists as a result of the development for which the permit was issued or that the action is warranted by the frequency or severity of the violation(s).

C. In addition to the authority set forth in Subsection A above, the Director may post a site with an order directing the permittee to cease all land-disturbing activity being performed under permits required by this chapter when such activity does not conform to the specifications, including modifications thereof, of an approved plan or other conditions of the permit issued hereunder, provided that:

- (1) Written notice to comply will be furnished immediately to the engineer-in-charge of the site.
- (2) Written notice to comply will be furnished within 7 days to the permittee by certified mail and addressed to the address of the permittee as stated on the application for a

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1 permit.

2 (3) Such notice will include the nature of the corrective measures required and the time
3 within which corrections shall be made.

4 D. Nothing contained in this section shall be interpreted as restricting the Department from
5 proceeding directly with a stop-work order or with alternative enforcement procedures
6 established by law.

7 E. The County may withhold the issuance of building permits in a development that does not
8 comply with the requirements of this article.

9 F. A permit for construction of stormwater facilities in accordance with this article shall be
10 granted only when the requirements of this article are met. Construction of a stormwater
11 management facility prior to re-issuance of stormwater management permit will only be
12 allowed upon the written approval of the Director of [p]Public [w]Works and must conform
13 with the approved plans, inspections and all other requirements of this article.

14 **§ 214-37. Performance bond.**

15 A. The Department shall, before issuing a stormwater management permit for the construction of a
16 stormwater management facility, require a cash or corporate bond or other approved security, in
17 a form and manner prescribed by the County Attorney, conditioned upon faithful performance
18 of the conditions and time limits of the stormwater management permit, TO BE POSTED BY
19 THE OWNER. Required collateral shall be equal to the approved estimated cost of
20 construction of the stormwater management facility unless a reduced amount is approved in
21 accordance with other provisions of this section. A corporate bond shall be maintained and
22 renewed annually and shall be executed by a surety or guaranty company qualified to transact
23 business in the State of Maryland. A cash bond shall be deposited with the Treasurer of
24 Harford County, who shall give a receipt stating that the cash has been deposited in compliance
25 with and subject to the provisions of this section. The approved security shall obligate the
26 principal and the principal's executors, administrators, successors and assigns, jointly and

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severally, with the surety and shall inure to the benefit of the County, its officers, employees and to any person aggrieved by the principal's failure to comply with the conditions thereof. The principal and the surety shall, under the bond or other approved security, continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses or liabilities which may be incurred or expended by the Department to meet the minimum requirements of this article.

B. Whenever the Department shall find that a default has occurred in the performance of any term or condition of the permit or approved security, written notice thereof shall be given to the principal and to the surety of the bond or security. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Department to be reasonably necessary for the completion of such work.

C. If a cash bond has been posted, notice of default as provided by the preceding subsections shall be given to the principal. If compliance is not obtained within the time specified, the Department shall proceed, without delay and without further notice or proceedings whatsoever, to use the cash deposited or any portion of such deposit to cause the required work to be completed by contract or otherwise at the discretion of the Department.

D. In the event of any default in the performance of any term or condition of the permit or bond or other approved security, the County, the surety or any person employed or engaged on his/her behalf shall have the right to go upon the site to complete the required work necessary to control stormwater runoff or to make the site safe. In the event that the Department undertakes the required work or makes the site safe with the funds from the forfeited cash or corporate bond or security, such funds shall be used to pay the cost of contracting, including engineering and administration, for necessary restoration of the site to control stormwater runoff within the requirements of the plan, permit, bond, security or this article. If the cost of the work necessary to manage stormwater or to make it safe exceeds the amount of the cash or corporate bond or security, the permittee shall continue to be firmly bound under a continuing obligation for

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1 payment of all excess costs and expenses incurred by the County. The cost and expenses shall
2 be a lien upon all property and all rights to property, real or personal, of any person liable to pay
3 the same from and after the time said cost is due and payable. The cost shall be listed on the
4 tax bill and shall be collected in the manner of ordinary taxes, plus interest.

5 E. No person shall interfere with or obstruct the ingress or egress to or from any such site or
6 premises by an authorized representative or agent of any surety or of the Department engaged in
7 completing the work required to be performed under the permit or in complying with the terms
8 or conditions thereof.

9 F. The posted bond or other security shall remain in full force and effect until final inspection of
10 the facility or facilities has been conducted and as-built plans, where required, have been
11 approved by the Department or its authorized representative REGARDLESS OF WHETHER
12 THE PERMIT HAS EXPIRED OR BEEN REVOKED OR SUSPENDED. The bond or other
13 security shall be returned to the depositor or the depositor's successors or assigns within 90
14 days of the approval, except for any portion of the bond which may have been used. Failure to
15 maintain the required surety shall automatically cause a temporary revocation of any and all
16 permits issued by Harford County to the permittee or the permittee's successors and assigns in
17 interest.

18 G. Where a stormwater management pond has been constructed and is providing sediment control
19 for the site, the performance bond may be reduced to an amount not less than 50% of the
20 approved estimated cost of construction, provided the following conditions are met:

- 21 (1) An active grading permit is in force for the site.
- 22 (2) Department approval of a preliminary as-built plan which has been submitted by the
23 engineer-in-charge certifying that the construction of the embankment, spillways and
24 excavated volume meet the requirements of the approved plan.

25 **§ 214-38. Liability insurance.**

26 If, in the opinion of the Department, the nature of the work is such that it may create a hazard to human

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life or endanger adjoining property, property at a higher or lower elevation, streets, street improvements or any other property, then the Department may require a certificate of insurance. The certificate of insurance (if required) shall be submitted to the Department prior to issuance of the stormwater management permit. The insurance shall cover claims for damages for property damage and personal injury, in an amount not less than [~~\$25,000~~]~~\$100,000~~, which may arise from or out of the performance of the work, whether such performance is by the applicant, the applicant's subcontractor or any person directly or indirectly employed by the applicant. The amount of such insurance shall be prescribed by the Department in accordance with the nature of the risks involved. Neither issuance of a permit nor compliance with the provisions hereto or any condition imposed by the Department shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law or impose any liability upon the County for damages to persons or property. Failure to maintain the required liability insurance shall automatically operate as a temporary revocation of any and all permits issued by Harford County to the permittee or the permittee's predecessors or successors and assigns in interest.

§ 214-39. Maintenance bond.

A. A maintenance bond or other approved security in a form and manner prescribed by the County Attorney shall be posted for a minimum period of 12 months following the approval of the as-built plan. The bond or other security shall cover latent defects in labor and/or material required to maintain all grade surfaces, walls, drains, dams, structures, slopes, vegetation, stormwater control measures and other protective devices and/or damages resulting from construction equipment and vehicles doing work in that portion of the area covered by the terms of the permit. The amount of the bond or security shall be determined by the Department and be not less than 10% of the construction cost.

B. Prior to the end of the 12 month period covered by the bond, the Department will perform a final inspection of the facility.

(1) Should this inspection determine that the facility is in good working order and repair, the bond shall be returned.

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(2) Should this inspection find fault with any of the work, the bond shall remain in force. Notice shall be given to the permit holder as to the remedial work required and the time frame allotted for completion.

(3) If compliance is not made within the time specified, the Department shall proceed, without delay and without further notice or proceeding whatsoever, to use the maintenance bond or any portion thereof to complete the required work by contract or otherwise at the discretion of the Department.

C. PRIOR TO THE RELEASE OF THE MAINTENANCE BOND THE DEVELOPER SHALL DEED TO THE PERSON(S) RESPONSIBLE FOR THE MAINTENANCE OF THE FACILITY TITLE TO THE OPEN SPACE OR PARCEL WHERE THE FACILITY IS LOCATED.

§ 214-40. Agreements between County, municipalities and other units of government.

A. The Department shall inform any incorporated city, town, municipality or other unit of government possessing powers to regulate stormwater management of any proposed stormwater management facility, development or plan which could affect stormwater management within its jurisdiction. The Department shall also inform any such unit of government of any functional master plan or preliminary plat of subdivision which may affect stormwater management within its jurisdiction.

B. The County may enter into cooperative agreements with any unit of government concerning any matter relating to stormwater management, including but not limited to the planning, design, construction and maintenance of stormwater management facilities and monetary contributions for stormwater management. The County may enter into such cooperative agreements in order to coordinate stormwater management activities with any unit of government, to avoid duplication of effort and to minimize the costs associated with an effective stormwater management program.

§ 214-41. Engineer-in-charge.

Prior to the issuance of a stormwater management permit and prior to the construction of a stormwater management facility, the applicant shall select an engineer-in-charge who is responsible for assuring that the facility is built in accordance with the approved plan and shall certify same to the Department. The engineer-in-charge [shall be a registered professional engineer licensed in the State of Maryland and] shall be experienced in the design and construction of stormwater management facilities.

§ 214-42. Inspections [during construction].

A. INSPECTION SCHEDULE AND REPORTS SHALL BE COMPLETED AS FOLLOWS:

(1) REGULAR INSPECTIONS SHALL BE MADE AND DOCUMENTED FOR EACH ESD PLANNING TECHNIQUE AND PRACTICE AS SPECIFIED IN THE DESIGN MANUAL BY THE DEPARTMENT, ITS AUTHORIZED REPRESENTATIVE OR CERTIFIED BY THE ENGINEER-IN-CHARGE. AT A MINIMUM, ALL ESD AND OTHER NONSTRUCTURAL PRACTICES SHALL BE INSPECTED UPON COMPLETION OF FINAL GRADING, THE ESTABLISHMENT OF PERMANENT STABILIZATION AND FOR PRACTICES DESIGNED FOR AND LOCATED ON INDIVIDUAL LOTS BEFORE ISSUANCE OF A USE AND OCCUPANCY PERMIT.

(2) WRITTEN INSPECTION REPORTS SHALL INCLUDE AT A MINIMUM:

- (A) THE DATE AND LOCATION OF THE INSPECTION;
- (B) WHETHER CONSTRUCTION WAS IN COMPLIANCE WITH THE APPROVED STORMWATER MANAGEMENT PLAN;
- (C) ANY VARIATIONS FROM THE APPROVED CONSTRUCTION SPECIFICATIONS; AND
- (D) ANY VIOLATIONS THAT EXISTS.

B. INSPECTION REQUIREMENTS DURING CONSTRUCTION SHALL BE COMPLETED AS FOLLOWS:

[A.](1) The engineer-in-charge or his AUTHORIZED representative shall inspect the

1 construction of all stormwater management facilities.

2 [B.](2) Construction of all stormwater management facilities may be observed and reviewed by
3 the Department or its authorized representative.

4 [C.](3) The permit holder shall notify the Department 48 hours before commencing any work
5 in conjunction with the SITE DEVELOPMENT AND/OR THE approved stormwater
6 management plan AND UPON COMPLETION OF THE PROJECT.

7 [D.](4) At the time of the commencement of work, the Department shall be provided with an
8 updated timing schedule and sequence reflecting proposed time frames for each phase
9 of construction requiring inspection. [as defined under subsection g of this section.]
10 The permit holder shall be required to inform the Department of any deviation from this
11 proposed schedule 24 hours in advance. Failure to submit an updated timing schedule
12 and sequence or to comply with the schedule may result in the issuance of a stop-work
13 order or forfeiture of the bond.

14 [E.](5) Any portion of the work which does not comply with any requirements of this chapter
15 will be promptly corrected by the permittee after written notice is given by the
16 Department. The notice shall set forth the nature of corrections required and the time
17 within which corrections shall be made.

18 [F.](6) An inspection report shall be completed for each inspection conducted. Inspection
19 reports for inspections conducted by the engineer-in-charge or his authorized
20 representative shall be forwarded to the Department. Should the Department conduct a
21 site visit, a copy of the Department's report shall be available to the engineer-in-charge.
22 A permanent file of all inspections shall also be maintained by the Department.

23 [G.](7) Immediately upon completion of the project, the permittee shall notify the Department.
24 The Department shall make a final inspection and shall prepare a final inspection
25 report, a copy of which shall be submitted to the engineer-in-charge. If, upon final
26 inspection it is found by the Department that the work has been satisfactorily completed

1 in accordance with the requirements of this article, the permit, conditions, plans,
2 drawings and specifications, and the required inspection reports and as-built
3 certification have been submitted, a completion certificate covering such work shall be
4 issued to the owner by the Department, and the performance bond shall be returned as
5 specified in § 214-37.

6 [H.](8) Inspections shall be conducted in accordance with the DESIGN MANUAL, rules and
7 regulations or COMAR 26.17.02.10 (whichever is more restrictive).

8 [I.] The Department may, for enforcement purposes, use any one or a combination of the
9 following actions:

10 [(1)](A) A notice of violation shall be issued specifying the need for a violation to be
11 corrected if stormwater management plan noncompliance is identified.

12 [(2)](B) A stop work order shall be issued for the site by the Department if a violation
13 persists.

14 [(3)](C) Bonds or securities may be withheld or the case may be referred for legal action
15 if reasonable efforts to correct the violation have not been undertaken.

16 [(4)](D) In addition to any other sanctions, a civil action or criminal prosecution may be
17 brought against any person in violation of stormwater management subtitle or
18 this ordinance.

19 [J.](9) Any step in the enforcement process may be taken at any time, depending on the
20 severity of the violation.

21 [K.](10) Once construction is complete, as-built plan certification shall be submitted by either a
22 professional engineer or professional land surveyor [licensed in Maryland] to ensure
23 that ESD PLANNING TECHNIQUES, TREATMENT PRACTICES AND
24 STRUCTURAL [constructed] stormwater management practices and conveyance
25 systems comply with the specifications contained in the approved plans. At a
26 minimum, as-built certification shall include a set of mylars and two sets of drawings

1 comparing the approved stormwater management plan with what was constructed. The
2 Department may require additional information.

3 [L.](11) The Department shall submit notice of construction COMPLETION to the [Water
4 Management] Administration on a form supplied by the [Water Management]
5 Administration for each stormwater management practice within 45 days of
6 construction completion. If BMPs requiring District approval are constructed, notice of
7 construction completion shall also be submitted to the District.

8 **§ 214-43. Maintenance.**

9 A. Maintenance inspection.

10 (1) The Department shall ensure that preventative maintenance is performed by inspecting
11 all ESD TREATMENT SYSTEMS AND STRUCTURAL stormwater management
12 [systems] MEASURES. Inspection shall occur during the first year of operation and at
13 least once every [three] 3 years thereafter. In addition, a maintenance agreement
14 between the owner and the Department shall be executed for privately owned ESD
15 TREATMENT SYSTEMS AND STRUCTURAL stormwater management [systems]
16 MEASURES as described in § 214-44 of this article.

17 (2) Inspection reports shall be maintained by the Department for all ESD TREATMENT
18 SYSTEMS AND STRUCTURAL stormwater management [facilities] MEASURES in
19 accordance with the rules and regulations or COMAR 26.17.01.11. [(whichever is more
20 restrictive).] INSPECTION REPORTS FOR ESD TREATMENT SYSTEMS AND
21 STRUCTURAL STORMWATER MANAGEMENT MEASURES SHALL
22 INCLUDE THE FOLLOWING:

23 (A) THE DATE OF INSPECTION.

24 (B) NAME OF INSPECTOR.

25 (C) AN ASSESSMENT OF THE QUALITY OF THE STORMWATER
26 MANAGEMENT SYSTEM RELATED TO ESD TREATMENT

PRACTICE EFFICIENCY AND THE CONTROL OF RUNOFF TO THE
MEP.

(D) THE CONDITION OF:

- [1] VEGETATION OR FILTER MEDIA;
- [2] FENCES OR OTHER SAFETY DEVICES;
- [3] SPILLWAYS, VALVES OR OTHER CONTROL STRUCTURES;
- [4] EMBANKMENT, SLOPES AND SAFETY BENCHES;
- [5] RESERVOIR OR TREATMENT AREAS;
- [6] INLET AND OUTLET CHANNELS OR STRUCTURES;
- [7] UNDERGROUND DRAINAGE;
- [8] SEDIMENT AND DEBRIS ACCUMULATION IN STORAGE
AND FOREBAY AREAS;
- [9] ANY NONSTRUCTURAL PRACTICES TO THE EXTENT
PRACTICABLE; AND
- [10] ANY OTHER ITEM THAT COULD AFFECT THE PROPER
FUNCTION OF THE STORMWATER MANAGEMENT SYSTEM.

(E) DESCRIPTION OF NEEDED MAINTENANCE.

- (3) After notification is provided to the owner of any deficiencies discovered from an inspection of aN ESD TREATMENT SYSTEM AND STRUCTURAL stormwater management [system] MEASURE, the owner shall have 30 days or other time frame mutually agreed between the Department and the owner to correct the deficiencies. The Department shall then conduct a subsequent inspection to ensure completion of the repairs.
- (4) If repairs are not undertaken or are not found to be done properly, then enforcement procedures following § 214-44D of this article shall be followed by the Department.
- (5) If, after an inspection by the Department, the condition of a stormwater management

1 facility presents an immediate danger to the public health or safety, because of an
2 unsafe condition or improper maintenance, the Department shall take such action as
3 may be necessary to protect the public and make the facility safe. Any cost incurred by
4 the County shall be assessed against the beneficial users, as provided in § 214-44D.

5 **§ 214-44. Maintenance responsibilities.**

6 A. Prior to or concurrent with the approval of the final plat in any subdivision for which
7 stormwater management is required, the Department shall require the applicant or owner to
8 execute an inspection and maintenance agreement binding on all subsequent owners of land
9 served by the stormwater management facility. Such agreement shall provide for access to the
10 facility at reasonable times for regular inspection by the Department or its authorized
11 representative, and for regular or special assessments of property owners served by the
12 management facility to ensure that the facility is maintained in proper working condition to
13 meet design standards and any provisions included in the approved plan. The agreement shall
14 include a map with the addresses of all beneficial users of the stormwater management facility.
15 The map will be approved by the Department prior to recordation of the agreement. The
16 agreement shall be recorded in the land records of Harford County.

17 B. The owner(s) OR BENEFICIAL USERS of any property on which work has been completed
18 pursuant to this article, or any other person or agent in control of such property, shall maintain
19 in good condition and promptly repair or restore all ESD PRACTICES, grade surfaces, walls,
20 drains, dams and structures, plantings, vegetation, erosion and sediment control measures and
21 other protective devices. Such repairs or restorations and maintenance shall be in accordance
22 with the approved plans.

23 C. A maintenance schedule shall be developed for the life of any STRUCTURAL stormwater
24 management facility OR SYSTEM OF ESD PRACTICES. This schedule shall state the
25 maintenance to be performed, when it shall be performed and who shall perform the
26 maintenance. This maintenance schedule shall be printed on the APPROVED stormwater

management plan.

D. If maintenance required by this article or by the rules and regulations is not completed, the owner(s) of the facility shall receive notification from the County requiring that such maintenance work shall be performed within 30 days or as specified by the Department. If such work is not satisfactorily completed by the owner(s) of the stormwater management facility within the specified period of time, any of the following action or combinations of actions shall be implemented by the County:

(1) Revocation of all existing permits issued to the owner(s) of the stormwater management facility in Harford County, until the problem has been corrected.

(2) Denial of all future Harford County permits to the owner(s) of the stormwater management facility until the problem has been corrected.

(3) Completion of such required work by the County. The cost of such work shall be paid to the County by the owner(s) or the beneficial users who failed to take corrective action and shall be either a lien on the property or prorated against the beneficial users of the property and may be placed on the tax bill(s) and collected as ordinary taxes by the County.

§ 214-45. Appeals.

Any person aggrieved by the action of any official charged with the enforcement of this article, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation or an alleged failure to properly enforce the article in regard to specific application, shall have the right to appeal the action to Harford County's Director of [a]Administration. This appeal shall be filed in writing within 10 days of the date of official transmittal of the final decision or determination to the applicant, shall state clearly the grounds on which the appeal is based and shall be processed in the manner prescribed for hearing administrative appeals under the Harford County Code.

§ 214-46. Severability.

If any portion of this article is held invalid or unconstitutional by a court of competent jurisdiction, such

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portion shall not affect the validity of the remaining portions of this article. It is the intent of the County that this article shall stand, even if a section, subsection, sentence, clause, phrase or portion may be found invalid.

§ 214-47. Rules and regulations.

The Department shall establish and revise as necessary the Harford County rules and regulations for stormwater management for administration of the provisions of this article in accordance with Section 807 of the Charter of Harford County, Maryland, with opportunity for full participation from the Harford Soil Conservation District and shall obtain recommendations from the District prior to the public hearing.

§ 214-48. Transitional provisions.

A. Except as specifically exempted by this article, all development activity in Harford County shall conform to the requirements of these documents.

[B. Any development which was granted preliminary plan approval from the Department of Planning and Zoning prior to the adoption of Bill 84-83 shall be exempted from the requirements of this article if constructed within two years of the effective date of this article.

C. For any development which was granted preliminary plan or site plan approval from the Department of Planning and Zoning prior to the effective date of this article and after adoption of Bill 84-83, the stormwater management regulations in effect at the time of preliminary plan approval or site plan approval shall remain in effect until the earlier of the expiration of preliminary plan approval, the expiration of site plan approval or two years from stormwater management plan approval. Any nonresidential development served by a regional stormwater management facility which addresses water quality and is constructed within two years of the effective date of this article shall be exempted from the requirements of this article, provided the individual lot has been constructed by January 1, 2005.

D. Any development which has been granted preliminary plan approval or site plan approval from the Department of Planning and Zoning after the effective date of this article shall conform to

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the requirements of this article and applicable rules, regulations and Design Manual criteria.

E. Stormwater management plans with valid approval as of the effective date of this article shall be valid for two years from the effective date of this article. If the facility is not constructed within that two-year period, then the plans must be revised to meet the requirements of this article.]

B. THIS ARTICLE SHALL TAKE EFFECT ON MAY 4, 2010.

C. DEVELOPMENTS WITH STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLANS APPROVED AS OF MAY 4, 2010 SHALL BE EXEMPTED FROM THE REVISED DESIGN REQUIREMENTS OF THIS ARTICLE PROVIDED THAT:

(1) CONSTRUCTION IS PROGRESSING ON THE SITE IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN; AND

(2) THE EROSION AND SEDIMENT CONTROL PLAN REMAINS VALID FOR 2 YEARS FROM THE DATE OF APPROVAL AND ALL NECESSARY UPDATE APPROVALS AND REVISIONS ARE OBTAINED IN ACCORDANCE WITH THE POLICIES OF THE DISTRICT.

D. ANY DEVELOPMENT WHICH HAS BEEN GRANTED PRELIMINARY PLAN OR SITE PLAN APPROVAL FROM THE DEPARTMENT OF PLANNING AND ZONING BEFORE MAY 4, 2010 WHICH REMAINS VALID UNTIL FINAL APPROVAL OF STORMWATER MANAGEMENT PLANS MAY BE GRANTED AN ADMINISTRATIVE WAIVER WHEN AUTHORIZED IN ACCORDANCE WITH APPLICABLE MARYLAND DEPARTMENT OF THE ENVIRONMENT GUIDELINES, THE CODE OF MARYLAND REGULATIONS OR THE ANNOTATED CODE OF MARYLAND.

~~[F.]~~E. The provision of §§ 214-37, 214-38 and 214-39 and the criminal provisions of § 214-49 shall not apply to municipal corporations, county or state agencies within the state or any

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1 combination thereof.

2 **§ 214-49. Violations and penalties.**

3 A. Any person convicted of violating the provisions of this article shall be guilty of a misdemeanor
4 and, upon conviction thereof, shall be subject to a fine of not more than \$5,000 or
5 imprisonment not exceeding one year or both for each and every violation with costs imposed
6 in the discretion of the court. Each day that the violation continues shall be a separate offense.
7 In addition thereto, the County may institute injunctive, mandamus or any other appropriate
8 action or proceedings at law or equity for the enforcement of this article or to correct violations
9 of this article, and any court of competent jurisdiction shall have the right to issue restraining
10 orders, temporary or permanent injunctive or mandamus or other appropriate forms of remedy
11 or relief.

12 B. In addition to the above-enumerated penalties, the County may, if it finds a violation of this
13 article, withhold any permits or future permits of the violator and/or issue stop-work orders on
14 work being performed pursuant to a County permit.

15 ~~Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date~~
16 ~~it becomes law.~~

Section 2. And Be It Further Enacted that this Act shall be an Emergency Act necessary to
comply with the grandfathering language in state law and shall take effect on the date it becomes
law.

EFFECTIVE: April 19, 2010

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*

Council Administrator

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HARFORD COUNTY BILL NO. 10-11 As Amended

Brief Title Chapter 214 Stormwater Management Regulations

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. O'Connor
Council Administrator

Date April 13, 2010

ENROLLED

Billy Boniface
Council President

Date April 13, 2010

BY THE COUNCIL

Read the third time.

Passed: LSD 10-10

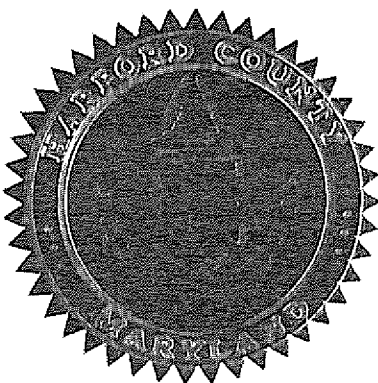
Failed of Passage: _____

By Order

Barbara J. O'Connor
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 14th day of April, 2010 at 3:00 p.m.

Barbara J. O'Connor
Council Administrator



BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date April 19, 2010

BY THE COUNCIL

This Bill No. 10-11 As Amended having been approved by the Executive and returned to the Council, becomes law on April 19, 2010.

EFFECTIVE DATE: April 19, 2010

Barbara J. O'Connor
Barbara J. O'Connor
Council Administrator

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As Amended